

to issue the decision that day.”⁴⁵⁷ Eckstein did not detect any particular discomfort on the part of Babbitt in making the statement, and Babbitt said and did nothing that indicated to Eckstein that he was trying to terminate the meeting.

Babbitt recalls meeting with Eckstein that day, and recalls Eckstein’s reference to the earlier discussion of Babbitt’s meeting with the tribal leaders, and Eckstein’s pursuit of a delay to permit such a meeting. Babbitt flatly disagrees, however, with Eckstein’s recollection of the words Babbitt used in reference to Ickes:

My best recollection is that at some point in the conversation making an excuse for my inability or my unwillingness to grant an extension or to intervene in the decision, that I said something to the effect that Ickes wants or expects me to make a decision promptly.⁴⁵⁸

Babbitt testified before the Senate Committee that this meeting with Eckstein lasted only 10 minutes. His recent recollection is no different, though he concedes that number is an estimate. In any event, he recalls making this comment about Ickes later in the discussion than the first two minutes, but cannot say when.

Given Duffy’s insistence during the July 14 morning meeting that the denial was going out that day, Eckstein took Babbitt’s statement as absolutely true, though he was surprised if not

⁴⁵⁷Eckstein G.J. Test. at 105. Eckstein has been quite consistent in describing this statement as including the words: "Ickes;" "directed" or "told;" and "today," or "that day," on each of the several occasions when he has recounted it for investigators or other officials. Compare Eckstein Affidavit, Jan. 11, 1996, at 6 with *Investigation of Illegal and Improper Activities in Connection with the 1996 Federal Election Campaign – Part X: Hearings Before the Senate Comm. on Governmental Affairs*, 105th Cong., 1st Sess. 195 (1997) (testimony of Paul Eckstein) and Eckstein G.J. Test. at 105-06. He also has consistently stated that he did not hear or understand Babbitt to say that Ickes or the White House was controlling the outcome of the decision, only its timing.

⁴⁵⁸Babbitt G.J. Test., July 7, 1999, at 105.